

ADD B3 <sup>1/2</sup> polynucleotide and the second polynucleotide are incorporated into the same or separate viral vectors.

#### REMARKS

Claims 1-30 are pending in the application. Claims 1-30 are subject to a restriction requirement. Applicant hereby elects claims 23-27 which are drawn to a nucleic acid based immunogenic composition. The election is without traverse.

Claims 1-22 and 28-30 are withdrawn from consideration as being drawn to a non-elected invention. By the present amendment, Applicants hereby cancel claims 1-22 without prejudice or disclaimer.

By the present amendment, claims 22-25 are amended and new claims 31-42, which are also drawn to nucleic acid based immunogenic compositions, are added. Claims 23 and 24 are amended for clarity to recite that the immunogenic composition of claim 23 comprises a first polynucleotide and that the immunogenic composition of claim 24 comprises the first polynucleotide and a second polynucleotide. Support for the other amendments to claims 23-25 and new claims 31-42 are found in the Summary of the Invention, Figures 1, 2, and 3, pages 6, 7, 9, 10 and 11 of the specification, original claims 3-6, and the Sequence Listing. The amendments add no new matter. A document entitled "VERSION WITH MARKINGS TO SHOW CHANGES MADE" showing the additions as underlined and the deletions in brackets is attached hereto.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

23. (Once Amended) A nucleic-acid based immunogenic composition for preparing a vaccine which protects a subject against lethal infection with *B. anthracis*, said immunogenic composition comprising [an] a first polynucleotide which encodes a mutated lethal factor (LF) protein or immunogenic fragment of LF protein, said first polynucleotide being operably linked to a promoter which drives expression of the mutated LF protein or immunogenic fragment of LF protein; and a pharmaceutically acceptable carrier or diluent.
24. (Once Amended) The nucleic-acid based immunogenic composition of claim 23 further comprising [an] a second isolated polynucleotide which encodes *B. anthracis* protective antigen(PA) protein or an immunogenic fragment thereof to the subject, said second polynucleotide being operably linked to a promoter which drives expression of the PA protein or immunogenic fragment thereof.
25. (Once Amended) The nucleic-acid based immunogenic composition of claim 24 wherein the [PA] second polynucleotide comprises a sequence comprising consecutively nucleotide 610 through nucleotide 2295 of the sequence set forth in SEQ ID NO. 3, and the first polynucleotide encodes a protein comprising a sequence which is at least 90% identical to a sequence extending from amino acid 9 through amino acid 252 of the sequence set forth in SEQ ID NO. 2.